MONTHLY HIGHLIGHTS

NOAA
NATIONAL MARINE FISHERIES SERVICE
NORTHEAST REGION
HABITAT CONSERVATION DIVISION

April 2002

GLOUCESTER, MA OFFICE, ONE BLACKBURN DRIVE, GLOUCESTER, MA 01930

ASMFC HABITAT COMMITTEE MEETS IN ANNAPOLIS, MARYLAND

Several issues covered at this mid-April meeting will be forwarded to the Commission for action at its Spring meeting in late May. A white paper identifying issues of concern and recommendations for approaches to beach nourishment was finalized at the Committee meeting and will be forwarded for adoption by the Commission. An issue paper on marine managed (protected) areas was also discussed at the Committee, which will recommend that a subcommittee be formed to focus on habitat related portions of this issue. The Commission will also be asked to write letters to EPA and the Navy requesting the development of a water quality standard for PCBs, and participation in the decisions surrounding the distribution of "mothballed vessels" as artificial reefs, respectively.

In other business, the submerged aquatic vegetation (SAV) conservation plans received from the states of New York, Georgia, Rhode Island, and Maryland were reviewed. Each state has been asked to provide a plan that identifies threats to SAV in state waters and recommendations for SAV conservation. States will be asked to ensure their plans are received by the end of the summer. A draft Management & Science Committee paper identifying guidance for states in the development of responsible aquaculture activities was discussed and is expected to be forwarded to the Commission by its authors. The proposed introduction of the Asian oyster (*Crassostrea ariakensis)* in Chesapeake Bay was discussed and will be further addressed at a workshop scheduled for the Spring Commission meeting. The revised national artificial reef plan, drafted by the Artificial Reef Committees of the ASMFC and Pacific and Gulf States Marine Fisheries Commission (PSMFC, GSMFC), is available for public comment (see the February 22, 2002 issue of the Federal Register); comments are due by May 23. The Commissions are also involved in revising the GSMFC's 1997 document *Guidelines for Marine Artificial Reef Materials.* Finally, the Habitat Committee continued its work on a policy paper about the importance of the molluscan shell substrate habitat type, which is expected to be used as a basis for a new Commission policy similar to the SAV policy established in 1997.
(Dianne.Stephan@NOAA.Gov , 978/ 281-9397 or Thomas.Bigford@NOAA.Gov, 301/ 713-2325)

TIME OF YEAR RESTRICTIONS AND RESTORATION REQUIREMENTS FOR CONSTRUCTION OF A GAS PIPELINE

The Federal Energy Regulatory Commission (FERC) and Army Corps of Engineers (ACOE) review is slowly coming to a close for the proposed Maritimes & Hubline gas pipeline. Originating in Metheun, MA at an existing facility, the proposed route crosses the Merrimack River in Haverhill and proceeds 24.8 miles to Beverly. The proposed pipeline continues offshore through Beverly Harbor and south across Massachusetts Bay for 34.8 miles, including a 0.28 mile lateral pipeline to Deer Island. Construction methods include dredging, plowing, jetting, blasting, and horizontal directional drilling. A complex time of year restriction (T.O.Y.) on work activity is near agreement between federal and state regulatory agencies and the project proponents. The final T.O.Y. will be based on physical and biological requirements of spawning finfish and shellfish, lobsters, and other living marine resources, as well as limitations of construction equipment. Restoration and compensatory mitigation remains on the discussion table. However, restoration of sediment type along the pipeline footprint has been agreed to, a major step to maintaining ecological functions and values after construction.
(Sean McDermott, 978/ 281-9113)

JAMES J. HOWARD MARINE SCIENCES LABORATORY, HIGHLANDS, NJ 07732

HACKENSACK MEADOWLANDS
MEADOWLANDS INTERAGENCY MITIGATION ADVISORY COMMITTEE (MIMAC)

The mitigation plan for the Empire/Meadowlands Mills project continues to be a topic of discussion for the MIMAC despite the lack of a final plan for the mall-office-warehouse-hotel complex. The applicant's consultants presented the revised mitigation plan to the MIMAC this month as well as the results of the hydrologic modeling of the mitigation plan completed by the ACOE's Waterways Experiment Station. Several significant concerns remain about the proposed mitigation in addition to the various agencies' objections to the development project. However, at the ACOE's request, the MIMAC agencies will provide the ACOE with preliminary comments on the latest revision to the plan.
(Karen Greene, 732/ 872-3023)

AMBOY AGGREGATES SAND MINING

Habitat Conservation Division (HCD) staff, in coordination with staff from the Protected Resources Division, has reviewed supplemental information provided by the ACOE on Amboy Aggregates' proposal to deepen a portion of the Ambrose Channel off Sandy Hook, NJ to 90 feet below mean low water for the purposes of commercial sand mining. The applicant has an existing permit issued in 1992 to deepen the channel to 67 feet below mean low water which expires in June 2002. They are requesting a new ten-year permit. Comments on the applicant's sand mining operations have been provided to the ACOE on numerous occasions since the mid-1990's. Recent correspondence included a Section 404(q) letter, a request for a full essential fish habitat assessment, and a formal consultation pursuant to Section 7 of the Endangered Species Act (ESA). Although some of our previous concerns have been addressed in the supplemental information, outstanding issues include the ESA consultation, adverse effects to EFH from the repeated dredging and disturbance of the channel bottom, and further

analysis of alternate sand sources, such as other areas of the Ambrose Channel that have a navigational need for dredging. **(Karen Greene, 732/ 872-3023)**

SEASONAL RESTRICTIONS IN NEW YORK/NEW JERSEY HARBOR

HCD staff from Sandy Hook and Milford met with the New York District ACOE as part of our ongoing efforts to refine our EFH conservation recommendations for the Harbor Navigation Study. The ACOE is planning to deepen many of the channels in the New York Harbor to 50 feet below mean low water. As part of the coordination process, the ACOE prepared an EFH assessment. Although initial conservation recommendations were provided based on the ACOE's assessment and the environmental impact statement for the project, HCD continues to work with the ACOE to focus the seasonal dredging restrictions to those areas in which the restrictions would be necessary to protect EFH and the federally managed species, principally winter flounder. So far, with the information provided by the ACOE which includes sampling data and details of the contract areas of the various reaches, we have been able to reduce the seasonal restrictions in some channels in both areal extent and time. We will continue to work cooperatively with the ACOE on refining these seasonal restrictions and to develop mitigation opportunities to offset unavoidable impacts on EFH and other aquatic resources. **(Karen Greene, 732/ 872-3023, Michael Ludwig, 203/ 882-6504 and Diane Rusanowsky, 203/ 882-6504)**

TRENTON WOODBURY EXPANSION/FAIRLESS DELIVERY LATERAL PROJECTS

HCD staff has been involved in early intra-agency coordination for two natural gas pipelines projects for the Transcontinental Gas Pipeline Corporation (Transco). The Trenton-Woodbury Expansion project includes construction of 7.2 miles of new, 36-inch pipeline along the company's existing mainline system in Burlington and Mercer Counties in New Jersey, traveling through Hamilton, Chesterfield, and Bordentown Townships. Also, the Fairless Delivery Lateral would include construction of a new 24-inch pipeline and a meter station. The lateral, which would originate from the Trenton-Woodbury line, would travel through portions of Bordentown and Fieldsboro, New Jersey, cross the Delaware River and extend into Bucks County at Falls, Pennsylvania. Directional drilling is the proposed method for installing the cable under the Delaware River. Both these projects have been filed with the FERC this month. **(anita.riportella@noaa.gov, 732/ 872-3116)**

SEASONAL RESTRICTIONS FOR DREDGING IN THE DELAWARE BASIN

Stan Gorski met with the Delaware Basin Fisheries Technical Committee on April 9 in West Trenton, New Jersey to discuss potential revisions to the Delaware Basin Cooperative's Seasonal Restrictions Policy Document for Dredging, Blasting, and Overboard Disposal. The present restrictions were initiated approximately 15 years ago, and revisions are needed to accommodate different river conditions, new information, and changing priorities, especially in the estuarine portion of the basin. **(Stan Gorski, 732/ 872-3037)**

NEW PHONE NUMBER FOR MILFORD FIELD OFFICE

In conjunction with a change in telephone service vendors at the Northeast Fisheries Science Center Milford Laboratory, the Milford Field Office now has new telephone numbers! Please contact Michael Ludwig [Connecticut or Rhode Island projects] or Diane Rusanowsky [New York projects] at (203) 882-6504. In addition, the field office facsimile machine can be reached at: (203) 882-6572. Despite our new telephone exchange, our mailing address remains the same.
(Sylvia.C.Swejkowski@noaa.gov, 203/ 882-6504)

SEASONAL RESTRICTIONS REVIEWED BY NATIONAL RESEARCH COUNCIL

The implications of the National Research Council (NRC) investigation of the use of seasonal constraints as a resource protection tool and regional evaluation of its appropriateness has triggered a number of meetings with stakeholders and the ACOE in New England and New York. While the NRC publication encourages steps and measures that the NMFS Northeast Region has explored and embraced previously, the document and associated meetings have engendered the need and recognized the value of explaining how and why seasonal constraints are invoked. Our efforts are meant to quell concerns that seasonal constraint use is proliferating and could threaten the navigability and human safety of ports and terminals and the livelihood of the dredging industry. By combining an overview of the Final Rule on EFH published on January 17, 2002 in the Federal Register and the intents of the Fish and Wildlife Coordination Act with pending large scale activities, we are able to reduce the confusion regarding seasonal constraints. The NMFS has been invited to co-chair a full-day presentation of the science at a Fall meeting in New York. A May presentation was offered at the Interagency Technical working Group on Dredged Material Management in New England held May 2. Seasonal constraints have become the most efficient tool available for dealing with the protection of sensitive life stages need for stable habitats during their residence. Winter flounder has become the poster child for the discussions as their spawning period and adhesive embryos make them unique among the species managed under the Magnuson-Stevens Sustainable Fisheries Act Amendments of 1996.
(Michael.Ludwig@noaa.gov, 203/ 882-6504)

NEW YORK CITY ECONOMIC DEVELOPMENT CORPORATION (NYCEDC) EXPLORES OPTIONS AT MANHATTAN AND BROOKLYN WATERFRONT SITES

Staff recently attended a pre-application meeting at the New York District ACOE to discuss the conceptual plans that the NYCEDC is developing for Manhattan's Passenger Ship Terminal (PST) and two sites in the South Brooklyn waterfront. The NYCEDC is exploring options to make the PST site more amenable to servicing the modern cruise lines and their passengers. Similarly, they are seeking to modify an existing site in South Brooklyn to accommodate certain freight shipping interests. Recognizing that some project aspects at these sites are likely to require mitigation or compensation, the NYCEDC is considering whether these activities could be explored at the Bush Piers in Brooklyn. Staff will continue coordinating on this project with the project proponents as well as the involved State and Federal agencies. **(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)**

CROSS SOUND CABLE RECEIVES STATE, FEDERAL PERMITS

The issuance of the state and federal permits for the 330 MW(e) D.C. Cross Sound cable set running from New Haven, CT to Shoreham, NY and responding to the associated charges and countercharges occupied much of the month of April at Milford. The cable installation will set a number of precedents. The ACOE has allowed the cable to be laid in the centerline of an operational federal navigation project at New Haven, burial is being stipulated, there are a number of surety bonds being required, liability is retained by the project proponent, and a monitoring program is an integral component of the authorization. Three issues regarding the consequences of installation and operation will receive focused attention and a fourth is now being coordinated between the University of Connecticut and Cross Sound Cable Company. The three initial monitoring items are 1) the rate of trench and resource recovery after the use of a jet plow to insert the cable six feet below the seafloor; 2) the thermal discharges associated with the operation of a 330 MW(e) cable in different bedding materials; and 3) the level of EMF generation created by the fully charged cable in subaerial and subaqueous environments. The fourth item is a real time monitoring of the suspended sediment distribution in the wake of the jet plow operation. The initial questions were prompted by the potential long-term impacts of using the jet plow technology in a variety of sediments and the operational impacts of such a high voltage cable using the single line technology. The suspended sediment distribution is needed to verify models that could be brought to bear on future cable insertion activities.
(Michael.Ludwig@noaa.gov , 203/ 882-6504)

IROQUOIS EYES SECOND LONG ISLAND SOUND PIPELINE CROSSING

Staff recently attended a public information meeting convened by the FERC to begin the evaluation of a proposal by Iroquois Gas Transmission System to construct a second natural gas pipeline loop between Milford, Connecticut and Northport, New York. This project will be a competitive application to the Islander East Project. Staff will continue to coordinate with the FERC, New England and New York ACOE Districts, as well as involved state agencies in Connecticut and New York as the project is developed and the certification and permit requests are reviewed. This project is separate from Iroquois' Eastchester project, which would traverse Long Island Sound from Northport to The Bronx through New York State waters. **(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)**

EELGRASS HABITAT LOSS LINKED TO FISH DECLINES

A recent publication in *Estuaries* by researchers associated with The Marine Biological Laboratory (MBL) in Woods Hole, Massachusetts discloses that several fish community integrity measures decline significantly over a gradient of decreasing eelgrass habitat complexity. In particular, the study correlates reduced fish abundance, biomass, species richness, dominance, and life history diversity with declines in eelgrass habitat complexity. These results confirm the vital role that seagrass meadows play in estuarine fish production and underscore why management actions should be taken to 1) protect remaining submerged vegetation, and 2) correct habitat degradation that contributes to its loss. Given this relationship, it appears appropriate that the implications of such losses or degradation specifically are factored into EFH evaluations for projects where submerged aquatic vegetation may be degraded. The nature of impacts on EFH could be direct, indirect, or cumulative as defined in the EFH implementing regulations. **(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)**

MILLENNIUM PIPELINE UPDATE

The Northeast Regional Office was supplied with some supplemental information by the project proponents and is en route to the Milford Field Office for review and comment. New Information that became available last fall required additional analysis with respect to the Endangered Species Act Section 7 consultation, the essential fish habitat assessment, and related components of the project review. Comments regarding this information will be coordinated with the involved agencies when the in-house review is completed. **(Diane.Rusanowsky@noaa.gov, 203/ 882-6504)**

WINTER FLOUNDER HABITAT USE VARIABLE IN THREE NORTHEASTERN ESTUARIES

A recent publication by researchers from the NMFS' Northeast Fisheries Science Center and Rutgers University indicates that habitat use by winter flounder young-of-the-year (YOY) varies among estuaries. The study featured distribution and abundance studies of winter flounder YOY in the Hammonasset River (CT), Navesink River (NJ), and Great Bay-Little Egg Harbor (NJ). Habitat use varied spatially (e.g. by substrate type or station/estuary) and temporally (e.g. inter-annual differences in a given estuary). YOY winter flounder appear to have relatively broad habitat use patterns and are found on a variety of substrates. The authors conclude that long term study of spatial and temporal variation in habitat use will be necessary to identify the essential fish habitat (EFH) characteristics for this species beyond presence or absence. Since the type of habitat important to winter flounder is not necessarily the same among estuaries, additional study will be necessary to refine EFH characterizations for this species. The New York District ACOE is collecting data that should prove most useful in addressing some of the data gaps for habitat use by winter flounder early life stages in the New York-New Jersey area. These data will be used to make key management decisions related to significant port activities being planned for the local Federal Navigation Projects as well as key loci in the Port of New York and New Jersey. In particular, staff from the Milford and Sandy Hook Field offices are coordinating with the New York District ACOE on this issue for the port deepening effort. **(Michael.Ludwig@noaa.gov or Diane.Rusanowsky@noaa.gov , 203/ 882-6504; Karen.Greene@noaa.gov, 732/ 872-3039)**